



Leech Lake Band of Ojibwe

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Peter D. White, Chairman
Arthur "Archie" La Rose, Secretary/Treasurer

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Burton "Luke" Wilson

District II Representative
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District III Representative
Richard Robinson, Jr.

June 21, 2003

Jeffery S. Steinberg, Deputy Chief
Commercial Wireless Div., WTB
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

REC'D & INSPECTED

JUN 27 2003

FCC-CBG MAILROOM

WT 03-128

RE: **Proposed Nationwide Agreement – FCC No. 03-125**
FCC Scoping Document for Programmatic Agreement

Dear Mr. Steinberg:

Thank for the opportunity to comment on the above reference agreement. After reviewing the provided documentation we provide the following comments:

II. A.7. (Under definitions) #7. Facility. This term needs to be redefined so as not to mean both "tower" and "antennae." I recommend discarding its use altogether.

III.A.1. (Undertakings excluded from Section 106 Review). #1 and #2. Do not use language "does not substantially increase" to define an area to be disturbed. This is an ambiguous and relative statement. Areas to be excavated must be quantified in measurements; i.e., feet. I recommend an area no greater than 50 feet from original footprint.

III.A.3.a. No, do not agree with this
III.A.3.b. No, do not agree with this
III.A.3.c. No, do not agree with this
III.A.3.d. This term may need to be redefined
III.A.3.e. No, and don't use term "facility."

III.A.4. Absolutely not. Perhaps on an existing concrete pad or pavement, where no structure 45 years or older is located within 5 miles of the project area.

III.A.5. Absolutely not.

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III.A.5.a-c. Most existing federal R.O.W.s were in place PRIOR to existing cultural resource management laws and regulations. For example, archaeological research along the DM&E Railroad ROW in Minnesota and South Dakota yielded numerous previously unrecorded historic properties and traditional cultural properties. In IA, archaeological research in existing Burlington Northern R.O.W.s yielded historic properties. Further, ground disturbance alone DOES NOT DISQUALIFY a property from listing on the NRHP.

Regarding Ohio's suggestion of a distance of 400 feet from a proposed "facility", as a professional archaeologist, I would argue that the State of Ohio has relatively lower standards for historic preservation compared to other states. What does the Texas Historical Commission recommend, or perhaps Alabama's or Iowa's State Historic Preservation Office?

You may contact Scott Des Planques at (218) 335-8095 or you may reach me at (218) 335-2940 for further questions or comments.

Sincerely,

Gina Papasodora /sg

Gina M. Papasodora, Deputy Tribal Historic Preservation Officer
Leech Lake Band of Ojibwe